

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ZACHARIAS WEISHUHN,

Plaintiff,

v.

**ANDREW SAUL, Commissioner
of Social Security,**

Defendant.

2:19-cv-13258

HON. TERRENCE G. BERG

**ORDER ACCEPTING AND
ADOPTING REPORT AND
RECOMMENDATION**

Zacharias Weishuhn filed this action pursuant to 42 U.S.C. § 405(g) appealing the Social Security Administration's denial of his application for disability insurance benefits. He also filed an application to proceed in forma pauperis, without prepayment of fees or costs. *See* ECF No. 2. This case was referred to Magistrate Judge David R. Grand for pretrial proceedings. *See* ECF No. 3 (Nov. 6, 2019 Order of Reference). Upon reviewing Weishuhn's in forma pauperis application, Magistrate Judge Grand found that his income and assets "far exceed the levels that would suggest an inability to pay the filing fee in this case." ECF No. 4, PageID.8. On that basis, the Magistrate Judge issued a Report and Recommendation suggesting that Weishuhn's application be denied and that he further be instructed to pay the appropriate filing fee if he wishes to pursue this action. Having received no objections, the Court will accept and adopt Magistrate Judge Grand's Report and Recommendation.

The Court has reviewed the Magistrate Judge’s November 8, 2019 Report and Recommendation, as well as the in forma pauperis application itself. The law provides that either party may serve and file written objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” 28 U.S.C. § 636(b)(1). As of this date, neither party has filed any objections. The district court will make a “*de novo*” determination of those portions of the report . . . to which objection is made.” *Id.* But where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). The Court will therefore accept the Magistrate Judge’s Report and Recommendation of November 8, 2019 as this Court’s findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Grand’s Report and Recommendation (ECF No. 4) is **ACCEPTED** and **ADOPTED**. It is further ordered that Zacharias Weishuhn’s application to proceed in forma pauperis (ECF No. 2) is **DENIED**. If Weishuhn wishes to proceed with this case, he is **INSTRUCTED** to pay the appropriate filing fee within 14 days of the date of this Order. Failure to pay the filing fee may result in dismissal of this case.

SO ORDERED.

Dated: December 18, 2019

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE